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STATUTORY INSTRUMENTS

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**2005 No. 1529**

**FINANCIAL SERVICES AND MARKETS**

The Financial Services and Markets Act  
2000 (Financial Promotion) Order 2005

<i>Made</i>	- - - -	<i>8th June 2005</i>
<i>Laid before Parliament</i>		<i>9th June 2005</i>
<i>Coming into force</i>		<i>1st July 2005</i>

ARRANGEMENT OF ARTICLES

PART I

*Citation, Commencement and Interpretation*

1. Citation and commencement
2. Interpretation: general
3. Interpretation: unlisted companies

PART II

*Controlled Activities and Controlled Investments*

4. Definition of controlled activities and controlled investments

PART III

*Exemptions: Interpretation and Application*

5. Interpretation: financial promotion restriction
6. Interpretation: communications
7. Interpretation: real time communications
8. Interpretation: solicited and unsolicited real time communications
- 8A. Interpretation: outgoing electronic commerce communications
9. Degree of prominence to be given to required indications
10. Application to qualifying contracts of insurance
11. Combination of different exemptions

PART IV

*Exempt Communications: All Controlled Activities*

12. Communications to overseas recipients

13. Communications from customers and potential customers
14. Follow up non-real time communications and solicited real time communications
15. Introductions
16. Exempt persons
17. Generic promotions
- 17A. Communications caused to be made by unauthorised persons
18. Mere conduits
- 18A. Electronic commerce communications: mere conduits, caching and hosting
19. Investment professionals
20. Communications by journalists
- 20A. Promotion broadcast by company director etc.
- 20B. Incoming electronic commerce communications

#### PART V

##### *Exempt Communications: Deposits and Insurance*

21. Interpretation: relevant insurance activity
22. Deposits: non-real time communications
23. Deposits: real time communications
24. Relevant insurance activity: non-real time communications
25. Relevant insurance activity: non-real time communications: reinsurance and large risks
26. Relevant insurance activity: real time communications

#### PART VI

##### *Exempt Communications: Certain Controlled Activities*

27. Application of exemptions in this Part
28. One off non-real time communications and solicited real time communications
- 28A. One off unsolicited real time communications
- 28B. Real time communications: introductions in connection with qualifying credit
29. Communications required or authorised by enactments
30. Overseas communicators: solicited real time communications
31. Overseas communicators: non-real time communications to previously overseas customers
32. Overseas communicators: unsolicited real time communications to previously overseas customers
33. Overseas communicators: unsolicited real time communications to knowledgeable customers
34. Governments, central banks etc.
35. Industrial and provident societies
36. Nationals of EEA States other than United Kingdom
37. Financial markets
38. Persons in the business of placing promotional material
39. Joint enterprises
40. Participants in certain recognised collective investment schemes
41. Bearer instruments: promotions required or permitted by market rules
42. Bearer instruments: promotions to existing holders
43. Members and creditors of certain bodies corporate
44. Members and creditors of open-ended investment companies

45. Group companies
46. Qualifying credit to bodies corporate
47. Persons in the business of disseminating information
48. Certified high net worth individuals
49. High net worth companies, unincorporated associations etc.
50. Sophisticated investors
- 50A Self-certified sophisticated investors
51. Associations of high net worth or sophisticated investors
52. Common interest group of a company
53. Settlers, trustees and personal representatives
54. Beneficiaries of trust, will or intestacy
55. Communications by members of professions
- 55A Non-real time communications by members of professions
56. Remedy following report by Parliamentary Commissioner for Administration
57. Persons placing promotional material in particular publications
58. Acquisition of interest in premises run by management companies
59. Annual accounts and directors' report
60. Participation in employee share schemes
61. Sale of goods and supply of services
62. Sale of body corporate
63. Takeovers of relevant unlisted companies: interpretation
64. Takeovers of relevant unlisted companies
65. Takeovers of relevant unlisted companies: warrants etc.
66. Takeovers of relevant unlisted companies: application forms
67. Promotions required or permitted by market rules
68. Promotions in connection with admission to certain EEA markets
69. Promotions of securities already admitted to certain markets
70. Promotions included in listing particulars etc.
71. Material relating to prospectus for public offer of unlisted securities
72. Pension products offered by employers
73. Advice centres
74. Revocation

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## SCHEDULES

### SCHEDULE 1 — *Controlled Activities and Controlled Investments*

Part I — Controlled activities

Part II — Controlled investments

### SCHEDULE 2 — *Countries and Territories*

### SCHEDULE 3 — *Markets and Exchanges*

Part I — Criteria for relevant EEA markets

Part II — Certain investment exchanges operating relevant EEA markets

Part III — Certain non-EEA investment exchanges operating relevant markets

Part IV — Other relevant markets

### SCHEDULE 4 — *Takeovers of relevant unlisted companies*

Part I — Requirements relating to the offer

Part II — Accompanying material

Part III — Additional material available for inspection

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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SCHEDULE 5 — *Statements for certified high net worth individuals and self-certified sophisticated investors*

Part I — Statement for certified high net worth individuals

Part II — Statement for self-certified sophisticated investors

SCHEDULE 6 — *Revocation*